

## REMARKS

Applicant acknowledges the Examiner's approval of the proposed drawing correction filed on September 5, 2002. Applicant reserves the submission of corrected drawings until this application is indicated as allowable.

Reconsideration of the Examiner's rejection of claim 37 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 is amended to provide proper antecedent basis to the "said longitudinal axis" of claim 37. Therefore, this rejection is now moot.

Reconsideration of the Examiner's rejection of claims 1-16, 18-32, 36 and 37 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 3,933,377 to Arrowood. The Examiner relied on the Arrowood reference for disclosing all the elements of claim 1.

A claim is anticipated under 35 U.S.C. §102(b) only if "each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Verdegaal Bros. V. Union Oil Co. of California, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987) (emphasis added). Amended claim 1 discloses a coupling device for positioning a pair of electrical wire-carrying conduits to be supported by a supporting member capable of being secured to a structure above said coupling device, said supporting member including a stem having a free end portion, said coupling device comprising:

- (a) a tubular member having an interior space, a longitudinal axis and opposed axially aligned ends,
- (b) each of said ends adapted to receive within said interior space of said tubular member one end of one of the pair of mating conduits,
- (c) and said tubular member defining a generally cylindrical surface having a top surface and

(d) an aperture through said top surface communicating with said interior space of said tubular member and adapted to be engaged by the free end portion of said stem of said supporting member.

The Arrowood reference fails to disclose, at least, the following elements of amended claim 1: “said tubular member defining a generally cylindrical surface having a top surface” and *“an aperture through said top surface communicating with said interior space of said tubular member”* (element d). The aperture 43 of the Arrowood device relied on by the Examiner is located on a tab 32 extending radially from the tubular member (10, 16, 17, 18, 31, 54). The Arrowood reference fails to disclose, teach or suggest an aperture through the top surface of the generally cylindrical surface of the tubular member. Therefore, the Arrowood reference fails to teach “each and every element” of amended claim 1 and all claims dependent therefrom, including claims 2-16, 33-35, 37 and 38, as required under a §102(b) rejection. Hence, claims 1-16 are not anticipated by the Arrowood reference.

Similarly, the Arrowood reference fails to teach “each and every element” of claim 36 as required under a §102(b) rejection. The Examiner improperly rejected claim 36 on the same basis as claim 1 by relying on “the tubular member having an integral top surface (54) and an aperture through the top surface” when claim 36 recites “said tubular member having an aperture through said tubular wall into said interior space ....” The Examiner did not, and cannot, reject claim 36 based on the Arrowood reference because the Arrowood reference does not disclose or suggest “an aperture through said tubular wall into said interior space.” Therefore, claims 36 and all claims dependent therefrom, including claims 18-32 and 39, are not anticipated by the Arrowood reference.

Applicant acknowledges the Examiner’s allowance of claims 33-35, 38 and 39 if rewritten in independent form including all of the limitation so the base claim and any

intervening claims. Claims 38 and 39 are amended to incorporate the base claims 1 and 36, respectively. Claims 33-35 are amended to dependent from allowable amended claim 38.

New claim 40 is added to further clarify the claimed invention.

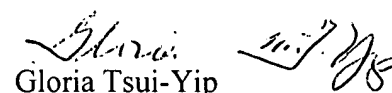
Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is entitled "Version with Markings to Show Changes Made."

If the Examiner has any questions on the above and believes a telephone conference will aid in the allowance of the application, please contact the undersigned by telephone.

Applicant respectfully requests that this Amendment be entered because it requires only a cursory review by the Examiner, does not raise issue of new matter nor requires additional search.

By virtue of the Applicant's amendment to the claims and remarks thereto, all outstanding grounds of rejection and objection have been addressed and dealt with and, based thereon, it is believed that the application is now in condition for allowance and such action is respectfully solicited.

Respectfully submitted,

  
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VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Claims:

Amend claims 1, 2, 33-35, 38 and 39 as follow:

1. (Twice Amended) A coupling device for positioning a pair of electrical wire-carrying conduits to be supported by a supporting member capable of being secured to a structure above said coupling device, said supporting member comprising a stem having a free end portion, said coupling device comprising a[n integral] tubular member having an interior space, a longitudinal axis and opposed axially aligned ends, each of said ends adapted to receive within said interior space of said tubular member one end of one of the pair of mating conduits, and said tubular member defining a generally cylindrical surface having a[n integral] top surface and an aperture through said top surface communicating with said interior space of said tubular member and adapted to be engaged by the free end portion of said stem of said supporting member.

2. (Amended) A coupling device as in claim 1 wherein said top surface is raised relative to [the exterior] said generally cylindrical surface of said tubular member.

33. (Amended) The coupling device of claim [1]38, wherein said free end of the stem of the supporting member is positioned within the confine of said tubular member in contact with said pair of conduits.

34. (Amended) The coupling device of claim [1]38, wherein each of said ends of said tubular member is externally threaded for receiving said conduit.

35. (Amended) The coupling device of claim [1]38, wherein each of said ends of said tubular member further having an opening through said tubular member, said opening is internally threaded to receive a set screw for securely positioning said conduit.

38. (Amended) A coupling device for positioning a pair of electrical wire-carrying conduits to be supported by a supporting member capable of being secured to a structure above said coupling device, said supporting member comprising a stem having a free end portion, said coupling device comprising a tubular member having opposed axially aligned ends, each of said ends adapted to receive one end of one of the pair of mating conduits, and said tubular member having a top surface and an aperture through said top surface adapted to be engaged by the free end portion of said stem of said supporting member [The coupling device of claim 1], wherein said supporting member is positioned above said aperture on said top surface of said tubular member.

39. (Amended) A coupling device for positioning a pair of electrical wire-carrying conduits to be supported by a supporting member capable of being secured to a structure adjacent said coupling device, said supporting member comprising a stem having a free end portion, said coupling device comprising an integral tubular member having a generally cylindrical wall surrounding an interior space and opposed axially aligned ends, each of said

ends adapted to receive one end of one of the pair of a mating conduit, and said tubular member having an aperture through said tubular wall into said interior space, said free end of said stem engaging said aperture to support said tubular member and [The coupling device of claim 36, wherein said free end portion of said stem] is positioned in said interior space of said tubular member sufficient to engage said ends of said conduits received at said opposite ends of said tubular member.